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Hisashi Miyamori

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

RUTLEDGE, AMELIA L

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,242	Applicant(s) MIYAMORI, HISASHI	
	Examiner AMELIA RUTLEDGE	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment, filed 12/11/2008.
2. Claims 1-15 are pending. Claims 1 and 12-14 are independent claims.
3. The rejections of claims 1-14 under 35 U.S.C. 101 have been withdrawn.

Specification

The amended title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Divakaran et al. ("Divakaran"), U.S. Patent No. 7,383,504 B1, issued June 2008, application 09/518,937 filed March 2000, in view of Errico et al. ("Errico"), U.S. Patent No. 7,055,168 B1, issued May 2006, application 09/668,777 filed September 2000.

Regarding independent claim 1, Divakaran teaches *a contents summarizing unit that extracts a characteristic motion of a player during a match from contents*

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regarding sports of a program that is on the air, of a material image prior to broadcasting, or of an image recorded by a recording media such as a video tape recorder and summarizes it in a required time period so that it can be watched in the required time period, because Divakaran teaches a video summarization method which determines spatio-temporal attributes of a video or multimedia content (col. 3, l. 25-col. 4, l. 26).

Divakaran teaches characterized by comprising an event information obtaining part that obtains event information such as the characteristic motion of the player during the match from the above-mentioned contents, because Divakaran teaches categorizing syntactic elements such as motion, color, and activity, such as a motion of a player in a sporting event (Fig. 3a, Fig. 3b; col. 7, l. 15-55).

Divakaran suggests an inside expressing information producing part that produces inside expressing information describing an outline of the match based on the event information, because Divakaran teaches a method of ranking the segments of a video, and then specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63). Divakaran does not explicitly teach describing an "outline" of the match, however, Errico teaches describing an outline of a video based on event information, providing multiple levels of summary (col. 5, l. 15-col. 6, l. 11).

Divakaran teaches a surface sentence information producing part that produces surface sentence information expressed by a sentence that summarizes the contents based on the inside expressing information, because Divakaran teaches summarizing

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an event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55).

Divakaran teaches *a contents summary information outputting part that outputs contents summary information wherein the surface sentence information is associated with image information corresponding to the event information*, because Divakaran teaches associating syntactic attributes with the image information (col. 5, l. 28-col. 6, l. 15), and discloses outputting contents summary information by specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63).

Both Divakaran and Errico are directed to video summarization. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of video summarization disclosed by Divakaran with the user preference summary disclosed by Errico, since Errico disclosed that the user description scheme information of the system was modular and portable, and could be standardized among different manufacturers or products, therefore it would have been obvious to apply Errico to Divakaran since the system was designed to be portable to different products.

Regarding dependent claim 2, while Divakaran does not explicitly teach that the contents summarizing unit is *characterized by that a user information receiving part that receives user information showing an interest or preference of a user is comprised and that the surface sentence information producing part produces the surface sentence information wherein the interest or preference of the user is reflected in the inside expressing information based on the user information*; Errico teaches recording

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user preference information so that the information presented to a user may be limited to the amount of detail desired by the user (col. 4, l. 2-47; col. 10, l. 11-col. 11, l. 15).

Both Divakaran and Errico are directed to video summarization. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of video summarization disclosed by Divakaran with the user preference summary disclosed by Errico, since Errico disclosed that the user description scheme information of the system was modular and portable, and could be standardized among different manufacturers or products, therefore it would have been obvious to apply Errico to Divakaran since the system was designed to be portable to different products.

Regarding dependent claim 3, Divakaran teaches that the contents summarizing unit described *is characterized by that a text element for summary storing part that stores a text element for summary comprising a word that can express the development of the match or the motion of the player of the contents concerned is comprised and that the surface sentence information producing part produces the surface sentence information based on the text element for summary*, because Divakaran teaches summarizing an event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55) and saving the attribute as a text element.

Regarding dependent claim 4, Divakaran teaches that the contents summarizing unit is *characterized by that the event information has a hierarchical structure based on a unit that can describe the match such as a structure on a rule of the sports concerned or the motion of the player*; because Divakaran teaches categorizing syntactic elements such as motion, color, and activity, such as a motion of

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a player in a sporting event (Fig. 3a, Fig. 3b; col. 7, l. 15-55), and storing the event information in a directed acyclic graph (DAG) which is a hierarchical structure.

Regarding dependent claim 5, Divakaran teaches that the contents summarizing unit is *characterized by that the event information includes match elapsed time information showing progress of the match*; because Divakaran teaches adding temporal attributes to the video (col. 7, l. 55-67), and then ranking the video using the temporal attributes (col. 9, l. 63-col. 10, l. 48).

Regarding dependent claim 6, Divakaran teaches that the contents summarizing unit is *characterized by that the contents summary information output by the contents summary information outputting part is sorted based on an order of the hierarchical structure or the match elapsed time*; because Divakaran teaches adding temporal attributes to the video (col. 7, l. 55-67), and then ranking the video using the temporal attributes (col. 9, l. 63-col. 10, l. 48).

Regarding dependent claim 7, Divakaran teaches that the contents summarizing unit is *characterized by that the event information is so arranged to include at least either one of score information that shows a score or a record, or play event information that shows a characteristic motion of each player*; because Divakaran teaches categorizing syntactic elements such as motion, color, and activity, such as a motion of a player in a sporting event (Fig. 3a, Fig. 3b; col. 7, l. 15-55).

Regarding dependent claim 8, Divakaran suggests that the contents summarizing unit is *characterized by that the user information receiving part is so arranged to receive a time period requested to watch by the user, a summary time*

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period checking part that compares the time period requested to watch by the user received by the user information receiving part with a total time period of the contents summary information output by the contents summary information outputting part is arranged, because Divakaran teaches that the video can be summarized by time period (col. 9, l. 63-col. 10, l. 63). Divakaran does not explicitly teach a time period requested to watch by the user, however, Errico teaches that the user may request a time period using a graphical user interface, and that the video will be summarized by that time period (col. 10, l. 31-65).

Divakaran does not explicitly teach *and if the summary time period checking part judges that the time period requested to watch by the user is smaller than the total time period of the contents summary information, the contents summary information outputting part compiles the contents summary information to be summarized within the time period requested to watch by the user based on the interest and/or preference of the user received by the user information receiving part and outputs it*; however, Errico teaches that the user may request a time period using a graphical user interface, and that the video will be summarized by that time period (col. 10, l. 31-65).

Both Divakaran and Errico are directed to video summarization. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of video summarization disclosed by Divakaran with the user preference summary disclosed by Errico, since Errico disclosed that the user description scheme information of the system was modular and portable, and could be standardized among

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different manufacturers or products, therefore it would have been obvious to apply Errico to Divakaran since the system was designed to be portable to different products.

Regarding independent claim 13, Divakaran teaches *a contents summarizing program that activates a contents summarizing unit that extracts a characteristic motion of a player during a match from contents regarding sports of a program that is on the air, of a material image prior to broadcasting, or of an image recorded by a recording media such as a video tape recorder and summarizes it in a required time period so that it can be watched in the required time period by operating a computer, characterized by making the computer serve as an event information obtaining means that obtains event information such as the characteristic motion of the player during the match from the above-mentioned contents*; because Divakaran teaches a video summarization method which determines spatio-temporal attributes of a video or multimedia content (col. 3, l. 25-col. 4, l. 26). Divakaran teaches categorizing syntactic elements such as motion, color, and activity, such as a motion of a player in a sporting event (Fig. 3a, Fig. 3b; col. 7, l. 15-55).

Divakaran teaches *an inside expressing information producing means that produces inside expressing information describing an outline of the match based on the event information*, because Divakaran teaches a method of ranking the segments of a video, and then specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63). Divakaran does not explicitly teach describing an "outline" of the match, however, Errico teaches describing an outline of a video based on event information, providing multiple levels of summary (col. 5, l. 15-col. 6, l. 11).

Divakaran teaches *a surface sentence information producing part that produces surface sentence information expressed by a sentence that summarizes the contents based on the inside expressing information*, because Divakaran teaches summarizing an event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55).

Divakaran teaches *a contents summary information outputting part that outputs contents summary information wherein the surface sentence information is associated with image information corresponding to the event information*, because Divakaran teaches associating syntactic attributes with the image information (col. 5, l. 28-col. 6, l. 15), and discloses outputting contents summary information by specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63).

Both Divakaran and Errico are directed to video summarization. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of video summarization disclosed by Divakaran with the user preference summary disclosed by Errico, since Errico disclosed that the user description scheme information of the system was modular and portable, and could be standardized among different manufacturers or products, therefore it would have been obvious to apply Errico to Divakaran since the system was designed to be portable to different products.

4. Claims 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Divakaran in view of Errico, and further in view of Carlbom et al. ("Carlbom"), U.S. Patent No. 7,203,693 B2, issued April 2007.

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Regarding dependent claim 9, while Divakaran in view of Errico does not explicitly teach the contents summarizing unit *characterized by that a leading degree information producing part that compares score information of one player with score information of the other player at an arbitrary elapsed time of the match based on the score information and produces leading degree information that expresses a leading degree during development of the match between the above-mentioned one player and the other player is comprised, and that the inside expressing information producing part produces the inside expressing information based on the leading degree information*; Carlbom teaches methods of real time analysis of sensor data for real time indexing of multimedia data (col. 6, l. 39-col. 8, l. 44, especially col. 7, l. 23-35), and presenting scoring information for different devices (col. 9, l. 44-col. 10, l. 16), i.e., leading degree information.

Divakaran, Errico, and Carlbom are directed to video summary based on specific parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the summarization method using directed acyclic graphs of Divakaran, with the summarization based on user preferences disclosed by Errico, and the summarization based on dynamic event information disclosed by Carlbom, because all summarization methods were based on parameters or attributes associated with the video, which were stored in databases, therefore it would have been obvious to one of ordinary skill in the art to combine the attributes in one databases, thereby combining known prior art elements to produce predictable results.

Regarding dependent claim 10, while Divakaran in view of Errico does not explicitly teach the contents summarizing unit *characterized by that the leading degree information is information wherein leading degree information at the arbitrary elapsed time of the match is cumulated*, Carlbom teaches methods of real time analysis of sensor data for real time indexing of multimedia data (col. 6, l. 39-col. 8, l. 44, especially col. 7, l. 23-35), and presenting scoring information for different devices (col. 9, l. 44-col. 10, l. 16), i.e., leading degree information.

Divakaran, Errico, and Carlbom are directed to video summary based on specific parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the summarization method using directed acyclic graphs of Divakaran, with the summarization based on user preferences disclosed by Errico, and the summarization based on dynamic event information disclosed by Carlbom, because all summarization methods were based on parameters or attributes associated with the video, which were stored in databases, therefore it would have been obvious to one of ordinary skill in the art to combine the attributes in one databases, thereby combining known prior art elements to produce predictable results.

Regarding dependent claim 11, Divakaran suggests the contents summarizing unit *characterized by that the surface sentence information producing part produces the surface sentence information by classifying it into surface sentence match development information in association with the development of the match expressed by the inside expressing information and surface sentence player motion information in association with the distinguished motion of the player*; because Divakaran teaches summarizing an

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event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55). Divakaran does not explicitly teach generating text in association with development of the match and player motion, however, Errico teaches a text summary generator and closed caption analyzer (col. 9, l. 5-33).

Divakaran, Errico, and Carlbom are directed to video summary based on specific parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the summarization method using directed acyclic graphs of Divakaran, with the summarization based on user preferences disclosed by Errico, and the summarization based on dynamic event information disclosed by Carlbom, because all summarization methods were based on parameters or attributes associated with the video, which were stored in databases, therefore it would have been obvious to one of ordinary skill in the art to combine the attributes in one databases, thereby combining known prior art elements to produce predictable results.

Regarding independent claim 12, Divakaran discloses *a contents summarizing unit that extracts a characteristic motion of a player that shows development of a match from contents regarding sports of a program that is on the air, of a material image prior to broadcasting, or of an image recorded by a recording media such as a video tape recorder and summarizes it in a required time period so that it can be watched in the required time period*, because Divakaran teaches a video summarization method which determines spatio-temporal attributes of a video or multimedia content (col. 3, l. 25-col. 4, l. 26).

Divakaran discloses *characterized by comprising an event information obtaining part that obtains score information showing a point or a record and play event information showing a characteristic motion of each player as being event information from the above-mentioned contents*, because Divakaran teaches categorizing syntactic elements such as motion, color, and activity, such as a motion of a player in a sporting event (Fig. 3a, Fig. 3b; col. 7, l. 15-55).

While Divakaran in view of Errico does not explicitly disclose *a leading degree information producing part that compares score information of one player with score information of the other player at an arbitrary elapsed time of the match based on the score information and produces leading degree information that expresses a leading degree during the development of the match between the above-mentioned one player and the other player*, Carlbom teaches methods of real time analysis of sensor data for real time indexing of multimedia data (col. 6, l. 39-col. 8, l. 44, especially col. 7, l. 23-35), and presenting scoring information for different devices (col. 9, l. 44-col. 10, l. 16), i.e., leading degree information.

Divakaran discloses *an inside expressing information producing part that produces inside expressing information describing an outline of the development of the match based on the leading degree information*, because Divakaran teaches a method of ranking the segments of a video, and then specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63). Divakaran does not explicitly teach describing an "outline" of the match, however, Errico teaches describing

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an outline of a video based on event information, providing multiple levels of summary (col. 5, l. 15-col. 6, l. 11).

Divakaran teaches *a surface sentence information producing part that produces surface sentence information expressed by a sentence that summarizes the contents based on the inside expressing information*, because Divakaran teaches summarizing an event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55).

Divakaran teaches *a contents summary information outputting part that outputs contents summary information wherein the surface sentence information is associated with image information corresponding to the event information*, because Divakaran teaches associating syntactic attributes with the image information (col. 5, l. 28-col. 6, l. 15), and discloses outputting contents summary information by specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63).

Divakaran, Errico, and Carlbon are directed to video summary based on specific parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the summarization method using directed acyclic graphs of Divakaran, with the summarization based on user preferences disclosed by Errico, and the summarization based on dynamic event information disclosed by Carlbon, because all summarization methods were based on parameters or attributes associated with the video, which were stored in databases, therefore it would have been obvious to one of ordinary skill in the art to combine the attributes in one databases, thereby combining known prior art elements to produce predictable results.

Regarding independent claim 14, Divakaran suggests *a contents summarizing program that activates a contents summarizing unit that extracts a characteristic motion of a player that shows development of a match from contents regarding sports of a program that is on the air, of a material image prior to broadcasting, or of an image recorded by a recording media such as a video tape recorder and summarizes it in a required time period so that it can be watched in the required time period by operating a computer, and characterized by making the computer serve as an event information obtaining means that obtains score information showing a point or a record and play event information showing a characteristic motion of each player as being event information from the above-mentioned contents*, because Divakaran teaches a video summarization method which determines spatio-temporal attributes of a video or multimedia content (col. 3, l. 25-col. 4, l. 26). Divakaran does not explicitly teach a time period requested to watch by the user, however, Errico teaches that the user may request a time period using a graphical user interface, and that the video will be summarized by that time period (col. 10, l. 31-65).

While Divakaran in view of Errico does not explicitly disclose *a leading degree information producing means that compares score information of one player with score information of the other player at an arbitrary elapsed time of the match based on the score information and produces leading degree information that expresses a leading degree during development of the match between the above-mentioned one player and the other player*, Carlbom teaches methods of real time analysis of sensor data for real time indexing of multimedia data (col. 6, l. 39-col. 8, l. 44, especially col. 7, l. 23-35),

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and presenting scoring information for different devices (col. 9, l. 44-col. 10, l. 16), i.e., leading degree information.

Divakaran discloses *an inside expressing information producing part that produces inside expressing information describing an outline of the development of the match based on the leading degree information*, because Divakaran teaches a method of ranking the segments of a video, and then specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63). Divakaran does not explicitly teach describing an "outline" of the match, however, Errico teaches describing an outline of a video based on event information, providing multiple levels of summary (col. 5, l. 15-col. 6, l. 11).

Divakaran teaches *a surface sentence information producing part that produces surface sentence information expressed by a sentence that summarizes the contents based on the inside expressing information*, because Divakaran teaches summarizing an event by attributes of the commentary of the announcer (Fig. 3c, item 321; col. 7, l. 15-55).

Divakaran teaches *a contents summary information outputting part that outputs contents summary information wherein the surface sentence information is associated with image information corresponding to the event information*, because Divakaran teaches associating syntactic attributes with the image information (col. 5, l. 28-col. 6, l. 15), and discloses outputting contents summary information by specifying a particular rank based traversal in order to summarize a video (col. 9, l. 50-col. 10, l. 63).

Divakaran, Errico, and Carlbom are directed to video summary based on specific parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the summarization method using directed acyclic graphs of Divakaran, with the summarization based on user preferences disclosed by Errico, and the summarization based on dynamic event information disclosed by Carlbom, because all summarization methods were based on parameters or attributes associated with the video, which were stored in databases, therefore it would have been obvious to one of ordinary skill in the art to combine the attributes in one databases, thereby combining known prior art elements to produce predictable results.

Allowable Subject Matter

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see Remarks, p. 10-12, filed 12/11/2008, with respect to the rejections of claims 1-14 under 35 U.S.C. 101 have been fully considered and are persuasive, because the remarks specify that the "contents summarizing unit" claimed in independent claims 1 and 12-14 is embodied as a computer hardware apparatus. Also see specification, p. 9-10. The rejections of claims 1-14 under 35 U.S.C. 101 have therefore been withdrawn.

Applicant's arguments regarding the claim rejections under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

Applicant argues in regard to the rejections of claims 1-8 and 13 that the references (Divakaran in view of Errico) do not teach the limitation of independent claim 1, *an inside expressing information producing part that produces inside expressing information describing an outline of the match based on the event information...*(see Remarks, p. 13-15). While Divakaran does not explicitly teach describing an "outline" of the match, Errico is relied upon to teach describing an outline of a video based on event information, providing multiple levels of summary (col. 5, l. 15-col. 6, l. 11).

While applicant argues that the summarized program view descriptions disclosed by Errico are not equivalent to the claimed outline (Remarks, p. 14), when given the broadest reasonable interpretation of the claim limitation, an outline based on event information is structurally and functionally equivalent to the multiple summary levels taught by Errico, since an outline is a logical summary of information.

In response to applicant's argument that Errico is directed to identifying portions of a program to aid in a search as opposed to describing an outline of a match (see Remarks, p. 15, par. 1), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant argues along a similar rationale in regard to the rejections of dependent claims 2-8 and independent claim 13, and the rejections are maintained for similar reasons as set forth for independent claim 1, above.

Applicant argues along a similar rationale in regard to the rejections of claims 9-12 and 14, and does not present arguments in regard to the Carlbom reference, and therefore the rejections are maintained for similar reasons as set forth for independent claim 1, above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/
Examiner, Art Unit 2176